
What is a Guardian Ad Litem ?

An Informational Pamphlet
for Children and Their
Families

What does guardian ad litem mean?

Guardian ad litem (GAL) is a legal term meaning guardian for the duration of a court case or legal proceeding.

Who can be a GAL?

Anyone who cares about children and who can help the court make good decisions can be a GAL. Often lawyers are GALs. The judge chooses the GAL.

What is a GAL supposed to do?

A GAL is supposed to represent the best interests of the child in court. That means making sure the judge is told:

- what has happened to the child,
- what the child needs to be happy and safe, and
- what decisions the judge can make to help the child.

Why does a child need a GAL?

Whenever a judge has to make decisions about what will happen to a child, the child may need a GAL.

For example, children whose parents are getting a divorce often have a GAL if there are questions about the custody arrangements for the child. A GAL is sometimes appointed for a child in adoption proceedings (Adoption Rule 7), delinquency cases (Del. Rule 15), and when a child needs to testify in court as a victim or a witness (Alaska Statute 12.45.046).

A child might also need a GAL if someone other than the child's parents wants custody of the child, if a judge is asked to decide who the child's father is, or if the child might own property.

The law requires that a GAL be appointed whenever a child is admitted to a designated mental health treatment facility. (Alaska Statute 47.30.690). And, in a child in need of aid proceeding, where a child's parent may have abused or neglected him or her, the court must appoint a GAL for the child. CINA Rule 11.

Does every child have a GAL?

No. Sometimes the law requires that a GAL be appointed. In other instances, the court decides whether a child needs a GAL and appoints the GAL. Anyone can ask the judge to appoint a GAL for a child. The judge can be asked in court or by letter.

Who pays for the GAL?

The judge decides who will pay for the GAL. Sometimes the child's parents pay, and sometimes the state pays.

Does a GAL always ask the judge to do what the child wants done?

No. The GAL always listens to the child, but the GAL must decide whether what the child wants is really the best.

Sometimes the GAL and the child do not agree. Then the GAL has to make up his or

her own mind about what is best for the child. The GAL will tell the judge what the GAL thinks is really best for the child.

Does the GAL get to make the decisions at the court hearings?

No. The judge makes the decisions after listening carefully to everyone who took part in the court hearing. Like the other people, the GAL is only allowed to make suggestions about what should happen.

How does a GAL decide what is best for the child?

The GAL talks with everyone who knows a lot about the child. This includes the child, the child's parents, relatives, foster parents, teachers, social workers, psychologists, doctors, and others.

The GAL reads reports written about the child and the child's family. The GAL sometimes asks other professionals to help the GAL learn about the child.

The GAL visits where the child lives, and wherever the child might go live, or the GAL asks someone else to visit.

The GAL also learns about the services available where the child and family live.

What if the GAL does not do a good job?

If you think the GAL is not doing a good job, you should first try to tell the GAL what you think should be done, and ask why the GAL is not doing that.

If this still does not help, you should tell either your social worker, if you have one, or the judge. Parents who are unhappy with their child's GAL should tell their lawyer, the social worker, or the judge.

Does the GAL go to court?

Yes. The GAL goes to court. In some cases the GAL might be a witness who answers questions asked by the lawyers for the other people in court, or the GAL may ask other witnesses questions.

Does the child have to go to court too?

Sometimes the child has to be in the courtroom. Other times the child just comes to the court building, in case anyone wants to ask him or her any questions. Sometimes, the child does not need to be in court at all.

The GAL should find out how the child feels about being in court, and may tell the judge. If the child is going to be in court, or in the court building, the GAL may take the child for a visit first, so it is not so scary.

If the child is not present at court hearings, the GAL will tell the child what happened, as soon as possible after the court hearing, or arrange for someone else to tell the child.

What can I do to help the GAL?

A GAL needs a lot of help to do a good job of representing a child's best interests.

The child can help the GAL most by trying to trust the GAL and by trying to tell the GAL everything he or she asks about. If the child forgets to tell the GAL something important, the child should call the GAL, or have someone else make the call. If anything changes, the child should let the GAL know about it.

Everyone else who is concerned about the child or who knows something important about the child can help by staying in touch with the GAL.

If the GAL has not called you, you should call the GAL.

How do I find out if there is a GAL?

You can find out if there is a GAL by asking the court clerk, the child's social worker, or the lawyers who are already taking part in the court case, if there is one.

For more information about this publication, please call the
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